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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,463	12/16/2003	John W. Northcutt	U03-0131.64	1462
24239	7590	07/21/2006	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 07/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/707,463

Applicant(s)

NORTHCUTT, JOHN W.

Examiner

DANH C. LE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-21 and 24-32 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/23/06, 2/15/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-5, 8-10, 17-21, 25 26 are rejected under 35 U.S.C. 103(e) as being unpatentable over Pochuev (US 2004/0204831).**

As to claim 1, Pochuev teaches a method of presenting location data representing a mobile phone's current approximate location (figures 1-5 and their descriptions) comprising:

determining the current position of the mobile phone;

looking up locations within a predetermined distance from the current position of the mobile phone (paragraph 0025, 0026); and

displaying a location icon representing a location within the predetermined distance to the current position of the mobile phone (paragraph 0025, 0026).

As to claim 2, Pochuev teaches the method of claim 1 further comprising waiting a predetermined period before re-determining the current position of the mobile phone (paragraph 0025, 0026).

As to claim 3, Pochuev teaches the method of claim 2 further comprising prompting the user to input the predetermined period (figure 3).

As to claim 4, Pochuev teaches the method of claim 3 further comprising prompting the user to input the predetermined distance from the current position of the mobile phone (figure 4).

As to claim 5, Pochuev teaches the method of claim 4 further comprising determining the distance between the current position of the mobile phone and the underlying location of the location icon (figure 3).

As to claim 8, Pochuev teaches the method of claim 1 further comprising displaying primary data pertaining to the location icon including a distance and heading measurement, wherein the primary data is displayed along with the location icon (figure 2).

As to claim 9, Pochuev teaches the method of claim 1 further comprising displaying primary data pertaining to the location icon including a distance and heading measurement, wherein the primary data is displayed along with the location icon (figure 4).

As to claim 10, Pochuev teaches the method of claim 8 further comprising accessing and displaying secondary data pertaining to the location icon that can be displayed on the mobile phone wherein the secondary data pertaining to the location icon includes coordinate data and is accessed by selecting the location icon.

As to claim 17, the claim is a software program of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 18, the claim is a software program of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 19, the claim is a software program of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 20, the claim is a software program of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 21, the claim is a software program of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 25, the claim is a software program of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 26, the claim is a software program of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **2. Claims 10-14, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pochuev in view of Syrbe (US 2006/0148488).**

As to claim 10-14, Pochuev teaches the method of claim 1, Pochuev fails to teach determining the current position of the mobile phone utilizes GPS, an Enhanced Observed Time Differential (E-OTD) system, a Time Of Arrival (TOA) system, a cell of

original system within the mobile phone and providing the location icon to a network server such that it can be accessed by other mobile phone users. Syrbe teaches determining the current position of the mobile phone utilizes GPS, an Enhanced Observed Time Differential (E-OTD) system, a Time Of Arrival (TOA) system, a cell of original system within the mobile phone and providing the location icon to a network server such that it can be accessed by other mobile phone users (paragraph 057, 063). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Syrbe into the system of Pochuev in order to determine the location of the mobile device using different methods.

As to claims 26-30, the claims are the computer software program of claims 11-14; therefore, the claims are interpreted and rejected as set forth as claims 11-14.

**3. Claims 15-16, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pochuev in view of Muramatsu (US 6,941,127).**

As to claims 15 and 16, Pochuev teaches the method of claim 1, Pochuev fails to teach location icons and the underlying coordinates of the location icons are stored in an external location icon database residing on the network wherein the external location icon database is accessible to the mobile phone and contains commercially supplied location icons and location icon coordinates and location icons and the underlying coordinates of the location icons are stored in an internal location icon database residing in the mobile phone wherein the internal location icon database contains user-defined location icons and location icon coordinates. Muramatsu teaches location icons and the underlying coordinates of the location icons are stored in an external location

icon database residing on the network wherein the external location icon database is accessible to the mobile phone and contains commercially supplied location icons and location icon coordinates and location icons and the underlying coordinates of the location icons are stored in an internal location icon database residing in the mobile phone wherein the internal location icon database contains user-defined location icons and location icon coordinates (figure 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Muramatsu into the system of Pochuev in order to display the icon based on the icon data.

As to claims 31, 32, the claims are the computer software program of claims 15, 16; therefore, the claims are interpreted and rejected as set forth as claims 15 and 16.

***Allowable Subject Matter***

Claims 6, 7, 22, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 6 and 22, the teaching of prior arts either alone or in combination fails to teach changing the appearance of the location icon based on the distance between the current position of the mobile phone and the underlying location of the location icon such that the location icon appears darker when the current position of the mobile phone is closer to the underlying location icon and lighter when the current position of the mobile phone is further from the underlying location of the location icon.

As to claims 7 and 23, the teaching of prior arts either alone or in combination fails to teach changing the appearance of the location icon based on the distance between the current position of the mobile phone and the underlying location of the location icon such that the location icon appears in a first color when the current position of the mobile phone is closer to the underlying location of the location icon and in a second color when the current position of the mobile phone is further from the underlying location of the location icon.

### ***Conclusion***

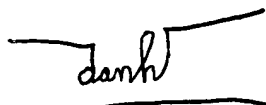
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



July 18, 2006  
DANH CONG LE  
PRIMARY EXAMINER